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ABSTRACT

The recommendations presented here are the products of a six-month project aimed at identifying state mandates that limit the discretion of local school boards and school administrators in Pennsylvania. The department of education in Pennsylvania first analyzed the cost of these mandates in dollars and in decreased local control of education; it then proposed mechanisms for returning decision-making authority to local school officials. The subjects of the recommended changes range widely from special education rules for identifying gifted students to physical education regulations affecting all students, from planning requirements for school construction to procedures for suspending disruptive students, and from the reporting of student attendance to the furlough of professional employees. Each mandate analyzed was singled out as unnecessarily costly or overly restrictive by school superintendents, school board presidents, or both. Twenty-one burdensome mandates are identified in this report; for each mandate the document includes a statement of the problem, the statutory source of the mandate, mechanisms for change, a discussion, and a recommendation for relief. (Author/JM)

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
February 9, 1982

Introduction

The recommendations presented here are products of a six-month project aimed at identifying state mandates that limit the discretion of local school boards and school administrators, analyzing their costs in dollars and in decreased local control of education, and proposing mechanisms for returning decisionmaking authority to local school officials. Our ongoing efforts to add flexibility to state directives have already provided relief from a number of burdensome mandates during this administration, but these new recommendations represent the most comprehensive set of changes yet proposed.

The subjects of the recommended changes range widely from special education rules for identifying gifted students to physical education regulations affecting all students, from planning requirements for school construction to procedures for suspending disruptive students, from the reporting of student attendance to the furlough of professional employees. The thread that ties them all together is the need for change identified by local school officials. Each mandate we analyzed was singled out as unnecessarily costly or overly restrictive by school superintendents, school board presidents, or both. The complete list of mandates we analyzed came from three sources:

(1) the "State Board Regulations Cost Study," a survey of school administrators conducted by the Department of Education in 1979;

(2) the "Review of Regulations Survey," a survey of school board presidents conducted by the Department of Education in 1981; and

(3) a document titled "Public School Concerns" prepared by a group of school superintendents from Intermediate Unit #19 in northeastern Pennsylvania in 1981.

Over the last few months, in cooperation with the Governor's Office of Policy and Planning, we have analyzed these mandates by identifying their precise sources in statute, regulation, or standard; weighing their costs and benefits; evaluating their appropriateness in terms of this administration's policies regarding state and local roles in the governance of schools; and assessing the potential impact and feasibility of statutory, regulatory, or administrative changes. We looked for mandates that were costly, unnecessary, or overly restrictive.

We have recommendations for substantive changes in every one of the problem areas identified by superintendents in the State Board Regulations Cost Study as both unnecessary and high in cost:

- Bilingual/bicultural education
- Certification of part-time coaches
- Certification of school nurses

- Credit for Master's Degree Equivalency certificate
- Gifted and talented programs

The mandate for certification of part-time coaches has already been eliminated, and changes in the other four mandates are included in these recommendations.

The school board presidents identified the following mandates as most burdensome in the recent Review of Regulations Survey:

- IEPs and due process procedures for gifted students
- Transportation of non-public school students
- Minimum 180-day school year
- Number of forms required by the PDE
- Long-range planning requirements

Substantial reductions have already been made in the number of forms required by PDE and in long-range planning requirements, and plans for future reductions in the administrative burdens associated with both are described here. Proposals for change in the nonpublic school transportation mandate and in the use of IEPs and due process procedures for gifted students are also included in these recommendations. The only mandate identified by school board presidents as a major problem in which we are not recommending a change is the minimum 180-day school year. While the teacher strike problem will continue to be assessed, we must carefully consider whether a change in the 180-day rule will be detrimental to students and ineffective in reducing the number and duration of teacher strikes.

We are now proposing changes in every other major problem area identified by superintendents and school board presidents. In addition, we are recommending changes in a wide variety of other mandates they identified as burdensome. We are painfully aware of the plight of school district officials struggling to provide sound management despite the constraints placed on their decisionmaking authority from above. We are pleased to contribute these recommendations to Governor Thornburgh's program for returning control of education to local school districts. Together we are striving toward an appropriate redefinition of state and local responsibilities in education.

DUE PROCESS PROCEDURES FOR SUSPENSION OF STUDENTS

PROBLEM:

Some school officials feel that the costs of due process hearings are unnecessary when students commit serious offenses. They want the freedom to suspend students without formal due process hearings for possession of drugs or weapons and other significant violations.

SOURCE OF MANDATE:

Section 12.6, 22 Pa. Code specifies procedures for suspension and expulsion.

Sections 510 and 511 of the Public School Code authorize local school districts to adopt policies on student conduct at their discretion, but the Pennsylvania Supreme Court ruled in 1977 in Girard School District vs. Pittenger that the State Board of Education has the authority to adopt regulations in this area if it chooses to do so.

Section 12.6 of the State Board regulations distinguishes between temporary suspension, full suspension, and expulsion. Temporary suspension means exclusion from school for a period of up to three school days. The principal can order a temporary suspension without a hearing. Full suspension means exclusion from school for a period of up to 10 school days after an informal hearing is offered to the student and the student's parents. Expulsion means exclusion from school for a period exceeding 10 school days, and it may mean permanent expulsion from the school rolls. Expulsions require full, formal hearings before the school board including notice by certified mail, recording of the proceedings and production of transcripts, and appeal rights. Section 12.6 authorizes the local school board to define the types of offenses that lead to exclusion from school.

The proposed new Public School Code would, if adopted, provide the first statutory mandate for student disciplinary procedures. Section 4742 of the proposed Code incorporates the State Board's rules on suspension, and Section 4743 incorporates the State Board's rules on expulsion (House Bill 1300, Printer's No. 2220, September 23, 1981).

Even if Section 12.6 were removed from the regulations and Sections 4742 and 4743 were removed from the proposed Code, a mandate would remain as a result of a 1975 U.S. Supreme Court decision. In Goss vs. Lopez the Court held that three students temporarily suspended from school without prior hearings were deprived of their constitutional rights to due process of law. Any change made in Pennsylvania's state mandate must be consistent with the Goss decision.

MECHANISMS FOR CHANGE:

Flexibility could be added to the procedural rules governing suspensions by making changes in either the Public School Code or the State Board regulation.

DISCUSSION:

The public's demand for a response to major discipline problems in schools must be addressed. For all but one of the last 13 years, the Gallup poll on the problems facing the nation's public schools has found that the problem perceived as most serious by the public was "a lack of discipline." For the last two years, the number two problem was "use of drugs." The Washington Post and ABC News conducted a poll about school discipline in October 1980. Sixty-six percent of the citizens polled said that they thought drug abuse among school children was a major problem, 31 percent thought fighting was a major problem, and 25 percent said that weapons possession was a major problem. Information about the actual occurrence of the problems is scarce, but a 1978 study mandated by the U.S. Congress revealed that almost 282,000 students and 5,200 teachers were physically attacked while at junior or senior high schools during a typical month.

The effectiveness of exclusion from school as a punishment for disciplinary offenses is arguable, and its use should remain optional for local school officials. It is clear that Pennsylvania school administrators do use it. Over 600 expulsion hearings are held in Pennsylvania each year at a cost of about $300 - $600 each. Added procedural flexibility that would enable local school officials to reduce the costs of disciplinary action would clearly be welcome. The U.S. Supreme Court itself stopped short of requiring opportunities for students to secure counsel and cross-examine witnesses for "short suspensions," recognizing that such procedures "might well overwhelm administrative facilities in many places and, by diverting resources, cost more than (they) would save in educational effectiveness."

Some superintendents have recommended that principals be permitted to suspend students for up to 30 school days after only an informal hearing for serious offenses such as possession of drugs and weapons. This recommendation seems sound until it is viewed along with the hearing requirement for less serious ofenses. A student accussed of possessing drugs could be suspended without a formal hearing, while a student seen breaking windows would be entitled to a full, formal hearing. The ability of the student to continue his education or secure employment is far more endangered by the drug charge than the window charge, yet the proposed rules allow him greater rights to vindicate himself of the window charge. The unfairness of this system would be unconstitutional under Goss vs. Lopez.

The rules could be changed to permit suspension of up to 30 days after only an informal hearing regardless of the severity of the offense. It is not clear whether or not this rule would be unconstitutional. The Supreme Court stated only that suspensions exceeding 10 days "may require more formal procedures." The arbitrary nature of any cut-off limits school officials' ability to use disciplinary procedures appropriate to the nature of the incident, so this rule is just as inflexible as the current one. A revised rule should provide maximum flexibility to local school officials.

Statutory and regulatory language dealing with disciplinary action could be eliminated entirely, but this change is not recommended for two reasons. First, the Commonwealth is responsible for protecting children's right to a proper education. There should be a state policy tying denial of this right to fundamentally fair procedures to determine whether the misconduct occurred. Second, this administration's efforts to increase local control of education are not meant to shift policymaking burdens to school districts without guidance or assistance. Local school officials would probably prefer a minimally restrictive state mandate to complete elimination of state requirements in order to help them avoid litigation.

The best solution is a reduction of the state mandate to a requirement that each school district develop a written policy on suspensions and expulsions and disseminate it to students and parents. The length of suspensions, the types of penalties appropriate for various offenses, and the formality or informality of hearings could all be matters of local policy. The state mandate should specify only that the student be informed of the charges against him and that he have some opportunity to be heard. Districts could vary the procedures used to provide this opportunity. For example, a principal from another school building could serve as an informal "hearing officer" replacing a full, formal hearing before the school board. The PDE could issue guideliens to help local policymakers develop rules that are consistent with Goss vs. Lopez while providing maximum flexibility to districts.

There is some precedent for this kind of state mandate permitting maximum local flexibility. The Pennsylvania Supreme Court found that the local district can determine what it considers to be sufficient educational protections for each expelled student on a case-by-case basis (Abremski vs. Southeastern District, 1980). This finding suggests that districts can also adopt suspension policies that are responsive to the unique aspects of individual cases instead of arbitrarily imposing procedures and penalties for all misconduct.

RECOMMENDATION:

The procedural mandate for suspension and expulsion of students should be reduced to a requirement that each school district develop a written policy or procedures for dealing with student misconduct and disseminate that policy to students and parents. The length of suspensions and the formality or informality of hearings should be matters of local policy.

The PDE should issue guidelines to help local officials develop policies that are consistent with the U.S. Supreme Court's findings on students' rights.

If the proposed new Public School Code is adopted with the current House Bill 1300 language or student discipline in it, a change in State Board regulations will be insufficient. Therefore, the recommended change should be made in the School Code by the General Assembly.

FURLOUGH OF PROFESSIONAL EMPLOYEES FOR ECONOMIC REASONS

PROBLEM:

LEA officials believe they have too little flexibility to furlough professional employees to achieve needed economies.

SOURCE OF MANDATE:

Section 1124 of the Public School Code of 1949 provides four reasons for the furlough of professional employees: (1) substantial decrease in pupil enrollment; (2) curtailment or alteration of the education program because of course enrollment decline or to conform with organizational standards or educational activities required by law or recommended by the PDE, when the changes are approved by the PDE; (3) consolidation of schools; and (4) reorganization and creation of new school districts. The courts in Pennsylvania have held on numerous occasions that these are the only allowable reasons for the suspension of professional employees, and have specifically ruled that economic reasons -- the inability of the school district to raise sufficient revenues to retain all staff, in the absence of one of the four reasons cited in the School Code -- are not adequate grounds for furlough.

MECHANISMS FOR CHANGE:

There are several possible ways to lessen constraints on school administrators' efforts to cut costs:

(1) PDE has already liberalized policies for approving program curtailments. For instance, districts may alter elementary music, art, and physical education programs and furlough these subject area specialists, since modified programs can be taught by the regular elementary classroom teacher.

(2) Legislation may be introduced which amends Section 1124 to enable districts to furlough supervisors or administrators when their positions are eliminated. The current version of the new School Code (House Bill 1300, Printer's No. 2220, September 23, 1981) provides that "reorganization of the administrative structure" is grounds for suspension of administrative personnel (Section 5135(2)).

(3) Legislation may be introduced which amends Section 1124 to enable districts to furlough professional employees for reasons of compelling economic necessity. The current version of the new School Code provides an additional reason for suspension of professional employees: "to effect necessary expenditure economies in accordance with prudent fiscal management of the affairs of the school system" (Section 5135(3)).

(4) Legislation may be introduced which amends Section 1124 to remove the requirement of PDE approval for curtailment or alteration of the education program resulting in professional staff furloughs. The

current version of the new School Code eliminates the Department's review and approval functions (Section 5135(2)).

DISCUSSION:

The Pennsylvania Supreme Court suggested in Theros v. Warwick Area School District that the General Assembly could make statutory changes which would make furloughing of professional employees for economic reasons permissible. The increased cost-cutting options that such legislation would provide must be weighed against the potential decline in program quality and decreased job security for teachers. Furthermore, in looking at employee furlough decisions as local ones, the current role of the Department in approving program changes is called into question.

RECOMMENDATIONS:

Regarding the possible mechanisms for change listed above:

(1) Liberalized policies are already in effect as a result of initiatives taken by the Secretary of Education. For details, call the Office of Inquiry and Approval at PDE, (717) 783-3750.

(2) The Department of Education supports legislation enabling districts to furlough supervisors or administrators when their positions are eliminated, such as Section 5135(2) of the new School Code.

(3) The Department of Education supports legislation amending Section 1124 to enable districts to furlough professional employees for reasons of compelling economic necessity. While the amendment to the new School Code (Section 5135(3)) can be supported, it would be preferable to use statutory language which charges districts to weigh the program consequences as well as the fiscal consequences when making furlough decisions.

(4) The Department of Education should support legislation removing its authority to review curtailments or alterations of non-mandatory programs when they result in staff furloughs, such as the amendment to Section 5135(2) of the new School Code.

SCHOOL CENSUS AND RELATED ENROLLMENT REPORTS

PROBLEM:

Local school district officials have complained that the compiling of demographic information about all children from birth to eighteen years of age residing in the school district is a costly, time-consuming process that provides information of questionable value.

SOURCE OF MANDATE:

Section 1351 of the Public School Code requires school districts to compile such lists. It mandates the inclusion of specific demographic items, and it also requires enumeration of all firms employing children under eighteen years of age. A 1970 amendment eliminated the requirement that district superintendents report statistics summarizing the census data to the Secretary of Education annually, but it gave the Secretary the authority to require such reports at his discretion. Section 1353 of the Code specifies that the school district must pay for the census, and Section 1354 requires school district officials to use this list to report children who have not enrolled in school or have been absent without lawful excuse.

MECHANISM FOR CHANGE:

The Public School Code could be amended to permit local school officials to obtain demographic information in any way they see fit. It could also be further changed to more accurately reflect local responsibility for enforcement of compulsory attendance laws.

DISCUSSION:

The census is used for two major purposes. The purpose codified in the statute is enforcement of compulsory attendance laws. The census is also used as a tool for long-range district planning. Complaints received from school district officials indicate that it is not always a particularly helpful tool for planning and that it is often unnecessary because the demographic information is available from other sources. However, the sections of the Public School Code that mandate the census should not be eliminated without some clear assignment of responsibility for enforcing attendance laws.

The relevant sections of the proposed new Public School Code are arranged a bit differently. Section 4725 requires the census, and Section 4726 describes the appropriate uses for the census data, including comparison with reports of enrollments, attendance, and withdrawals. These other reports are mandated in Section 4727. Section 4723 assigns legal responsibility for compliance with compulsory attendance laws to parents. Section 4730 specifies penalties for parents who willfully fail to comply and for district superintendents who fail to enforce compulsory attendance laws. (House Bill 1300, Printer's No. 2220, September 23, 1981.)

RECOMMENDATIONS:

Sections 4725, 4726, and 4727 of the proposed new Public School Code should be replaced with an explicit statement of local officials' responsibility for enforcement of compulsory attendance laws. All specific references to census, enrollment, or attendance reports should be eliminated.

Section 4730 should retain the penalties for local administrators who fail to enforce compulsory attendance laws. It should also be amended to indicate that local administrators must supply demographic, enrollment, and attendance data to the Commonwealth Court or the appropriate court of common pleas if the Secretary of Education brings proceedings in those courts seeking orders to effect compliance with attendance laws. Procedures for collecting such data should be locally determined.

SPECIAL INSTRUCTION FOR CHILDREN WHOSE DOMINANT LANGUAGE IS NOT ENGLISH

PROBLEM:

Many LEA administrators find programs for children whose native language is not English unnecessarily costly, especially when school districts have very few students who share a single native language other than English. In 1979, 66 districts had from one to five students in this category. The problem is compounded in districts where there are numerous groups of only a few children each who share a given native language. Over 12,000 students participated in these special programs in Pennsylvania during the 1980-81 school year. The U.S. Department of Education estimates that the cost of serving each child ranges from $200 to $600. In 1979, total state and local costs exceeded $20 million in Pennsylvania. Though Federal funds are available, the program requires local participating funds which are intended to continue after federal funding runs out. Many districts do not receive federal grants for these programs at all.

SOURCE OF MANDATE:

The Public School Code of 1949 permits bilingual education but does not require it. Section 1511 states:

> All such subjects, except foreign langauge, shall be taught in the English language and from English texts: Provided, however, that, at the discretion of the Superintendent of Public Instruction, the teaching of subjects in a language other than English may be permitted as part of a sequence in foreign language study or as part of a bilingual education program if the teaching personnel are properly certified in the subject fields.

The mandate for these programs is found in State Board regulation 5.24:

> Each child whose dominant language is not English shall be provided with either a bilingual/bicultural program or an English as a Second Langauge program in accordance with standards, guidelines and definitions established by the Secretary.

The guidelines distinguish between the two program options by specifying that one aim of bilingual education is retention and development of skills in the native language while English is learned. English as a Second Language (ESL) programs aim primarily at English proficiency. In practice, bilingual education involves instruction in the native language for all major subject areas of the curriculum. This is meant to enable children to make effective progress in learning a variety of subjects while they learn English. English as a Second Language programs add special coursework in English to the regular curriculum which is taught in English.

The mandate in Section 5.24 leaves the choice open, but the language proposed for the new Public School Code (Section 3706, House Bill 1300, Printer's No. 2220, September 23, 1981) appears to favor English as a Second Language programs:

> All subjects, except foreign languages, shall be taught in the English language and from English texts except that students whose dominant language is not English shall be provided with an educational program in accordance with State Board regulations adapted to their special needs, and taught by English language fluent teachers, to the specific end that English language deficient students be transitioned to an all English language curriculum in the shortest possible time.

This proposed language would contradict existing PDE guidelines which state:

> It is the feeling of the Pennsylvania Department of Education that the bilingual approach is not only preferable, but also more closely in line with the rationale of the program.

Even if all of this language was removed from the Code and the regulations, there remains the mandate of the U.S. Supreme Court in its 1974 Lau v.Nichols decision. In that case a group of non-English speaking students claimed that they were denied an education because they could not comprehend the language in which they were being taught. The court found in favor of the students under the 1964 Civil Rights Act. As a result, school districts are obligated to provide special assistance to students who are not proficient in the English language, but the Court provided no guidance as to what type of assistance is appropriate. A 1975 task force of the Office of Civil Rights produced a set of "Lau Guidelines" that have been used since then to determine whether a school district is in compliance with the Lau decision. They provide the basic criteria for the possible withdrawal of federal funds from a school district for noncompliance with the Civil Rights Act as interpreted in the Lau decision. The case law since Lau has not been definitive in its rulings on the relative merits of bilingual programs and ESL programs or on the appropriate goal of these programs.

Finally, it should be noted that Section 5.24 of the State Board regulations includes a mandate that does not appear in the state or federal law or in court decisions: "Provision shall be made for students whose dominant language is English to become acquainted with the language, history, and culture of their non-English speaking peers."

MECHANISMS FOR CHANGE:

The language in the new Public School Code can be made more permissive so that transition to an all-English curriculum in the shortest possible time is not mandated.

The mandate can be changed so that it does not limit the choice of program model to bilingual instruction or ESL instruction. The current mandate is permissive in leaving the choice open, but it could be changed to state only that children whose dominant language is not English must be provided with such assistance as deemed necessary by the school district to insure that they can benefit from the instruction they receive and progress effectively through the educational system.

The provision for students whose dominant language is English to become familiar with the language, history, and culture of their non-English-speaking peers could be eliminated.

The Pennsylvania Department of Education could revise its program guidelines to eliminate the endorsement of bilingual education as a preferred method, encourage local administrators to find more creative ways of meeting these children's needs, and relax staffing guidelines to permit part-time tutors, contracting with private language schools, etc.

DISCUSSION:

The new language of the proposed Public School Code is probably intended to reduce the costs of programs for children whose predominant language is not English, but it is unduly restrictive in its mandate for an all-English curriculum in the shortest time possible. This mandate would prevent school districts that prefer bilingual education from enjoying many of the benefits of that form of language instruction, including the enriching of the school curriculum by the cultural heritages of many ethnic groups. It would prevent such innovative programs as multilingual high schools and the multilingual elementary school which serves as a magnet school for desegregation in Philadelphia.

The controversy over the relative merits of bilingual instruction and other forms of assistance for non-English-proficient students is at its highest point ever in the U.S. Department of Education. The Carter administration endorsed bilingual education in its proposed Lau regulations, but Terrell Bell promptly withdrew them upon taking office. The U.S. Department of Education's Office of Bilingual Education and Minority Languages Affairs still supports bilingual education, but the Office of Planning and Budget has concluded that teaching children in their native language while they learn English is not the best way to teach non-English speaking children. The offices are so far apart in their recommendations that the U.S. Department of Education may recommend two different conclusions and let school districts decide for themselves. Bell has clearly told his staff not to require bilingual education in the new Lau rules that the department is under court order to develop in Northwest Artic vs. Califano. Given the inconclusive data on program effectiveness that are causing the conflict in Washington, it seems clear that the Pennsylvania General Assembly, State Board, and Department of Education should give school districts maximum flexibility to develop innovative ways of meeting the needs of children whose native language is not English.

RECOMMENDATIONS:

(1) The language in the proposed new Public School Code should be changed to remove the mandated goal of an all-English curriculum in the shortest time possible. This mandate could prevent school districts that support bilingual instruction from enjoying many of its benefits or from implementing innovations like a multilingual magnet school for desegregation purposes.

(2) The proposed Public School Code should be amended to include a provision for children whose dominant language is not English to be provided with such assistance as deemed necessary by the school district to insure that they can benefit from the instruction they receive and progress effectively through the school system. The language should make it clear that the nature of the program is left to the district's discretion as long as it can demonstrate that children in the district whose native language is not English are not denied their right to education by the inability to comprehend the language in which they are being taught. This statutory language would require changes in or elimination of Section 5.24 of the State Board regulations.

(3) Pennsylvania's Secretary of Education should explicitly inform school district officials if and when Recommendation #2 above is implemented that districts will not be required to demonstrate their compliance with the new provision to state officials. They will still be required to provide assurances of compliance with federal civil rights laws when applying for federal money, of course. The role of the PDE would be to provide technical assistance to districts wishing to change their programs for children whose native language is not English so that they can be aware of recent interpretations at the federal level and the potential for class action suits or withdrawal of federal funds associated with certain program changes.

(4) The mandate for acquainting students whose dominant language is English with the language, history, and culture of their non-English speaking peers should be eliminated from State Board regulations.

(5) Program guidelines should be rewritten by the Pennsylvania Department of Education to eliminate the endorsement of bilingual instruction as the preferred educational method and encourage creative programming at the local level by describing alternatives (e.g., immersion programs in which teachers instruct children in English but understand them when they speak in their native language, special tutoring programs, etc.)

(6) The PDE should provide technical assistance to school districts interested in finding more cost-effective ways of meeting the needs of children whose dominant language is not English. PDE staff should continue ongoing efforts to disseminate information with particular attention to information about nontraditional program options such as the immersion model. It is imperative that the PDE play an active role, helping districts to insure that these children are able to benefit from the education they receive.

EMPLOYEE HEARING RIGHTS

PROBLEM:

LEA administrators feel that unionized employees have multiple avenues of redress which can be pursued concurrently. They perceive duplication of rights in collective bargaining grievance procedures and School Code protection.

SOURCE OF MANDATE:

Demotion - Sections 1151 and 1131, Public School Code

Dismissal - Sections 1129 and 1131, Public School Code

Furlough - Local Agency Act

Collective bargaining rights - Act 195

MECHANISM FOR CHANGE:

Duplication can be remedied by amending Sections 1131, 1125.1 and 1108 of the School Code to force election of remedy.

DISCUSSION:

Employees cannot actually pursue all of the available avenues of redress concurrently. They may, under the School Code, appeal a school board decision of demotion or dismissal to the Secretary and then Commonwealth Court and, at the same time, initiate a grievance procedure winding up in arbitration and appeal to the Commonwealth Court. When the issue is discrimination, appeal is to the Human Relations Commission and the Equal Employment Opportunity Commission. When the issue is furlough, the employee appeals from the school board to the Court of Common Pleas instead of the Secretary.

The Pennsylvania Department of Education does not support legislation that would limit the avenue of redress to one approach or the other exclusively, because arbitrators have expertise on labor matters and the Secretary of Education has expertise on educational matters. The proper avenue depends on the specific issue. The PDE supports choice, not removal of choice.

No change in laws governing employee appeals when the issue is discrimination is recommended. Section 962 of the Human Relations Act already deals with the exclusiveness of that remedy, and a U.S. Supreme Court ruling does not support forced election of either arbitration or discrimination claims.

RECOMMENDATION:

The Department supports amendments to the School Code that would force choice of one remedy or the other upon appeal of the school board's decision so that employees cannot pursue both avenues simultaneously. Duplication of rights must be remedied, but employees should not be deprived of rights to either avenue.

TRANSPORTATION OF NONPUBLIC SCHOOL STUDENTS

PROBLEM:

Local school officials feel that school districts' obligation to provide free transportation to and from school for nonpublic school students requires them to spend an excessive proportion of their transportation budgets on a small proportion of their children.

SOURCE OF MANDATE:

Section 1361 of the Public School Code, as amended by Act 372 of 1972, requires school boards to make "identical provision for the free transportation" of nonpublic school students when transportation for public school students is provided. The statute specifies that transportation must be provided to nonpublic schools within the district boundaries or outside district boundaries at a distance not exceeding ten miles by the nearest public highway. By providing for such transportation, the General Assembly was recognizing that, as a rule, nonpublic school students must travel further to get to school and that attendance zones for nonpublic schools usually do not coincide with school district boundaries. Attorney General's Opinion No. 61 (1973) points out that "identical" cannot be construed to refer to the question of school district boundaries, because such a construction would negate and make meaningless the specific statutory language regarding transportation outside the district boundary.

MECHANISM FOR CHANGE:

A change in this mandate requires an amendment to Section 1361 of the Public School Code.

DISCUSSION:

The financial burden imposed by this mandate can be viewed in several ways. On one hand, it clearly results in disproportionate expenditures of transportation funds on a relatively small number of children. School board presidents report district expenses in the hundreds of thousands of dollars, and the district that spends 43 percent of its transportation budget on 14 percent of its total student population is not unusual. On the other hand, the absolute cost to school districts is not as great as it might appear at first glance, because Section 2541 of the Public School Code requires the Commonwealth to reimburse districts for excess transportation costs that exceed an amount determined by the aid ratio plus one-half mill (0.0005) times the latest market value of the district. Thus, much of the disproportionate cost of transporting nonpublic school students is absorbed by state rather than local funds.

Regardless of whether the excess costs are absorbed by state or local funds, they ought to be reduced, if possible. School board presidents have called for the repeal of Act 372, but this is not justified, since taxpaying parents of nonpublic school students certainly ought to benefit from services such as transportation. Other suggestions for reform have included reduction of the ten-mile limit to a five-mile limit, reimbursement of parents for transportation expenses up to the average per pupil transportation cost for the district, and the changing of the relevant boundary to ten miles from the public school to which a nonpublic student would ordinarily be assigned instead of ten miles from the district border.

RECOMMENDATIONS:

Public statements on this administration's efforts to provide relief from burdensome mandates should state that appropriate amendments to Section 1361 of the Public School Code to reduce the costs of transporting nonpublic school children are viewed as feasible and desirable.

(1) Out-of-state busing should be elminiated althogether.

(2) School districts should work with nonpublic schools to develop a common transportation calendar.

(3) The Pennsylvania Department of Education should invite representatives of nonpublic schools to discuss more appropriate mileage and boundary requirements in order to reduce the excessive costs of unreasonably long cross-district bus rides. For example, an amendment that would remove districts' obligation to transport nonpublic school students any farther than the greatest distance they transport public school students could be discussed as one potential solution.

CERTIFICATION OF SCHOOL NURSES AND DENTAL HYGIENISTS

PROBLEM:

The requirement that licensed nurses and dental hygienists obtain additional certification as educational specialists before providing health services in schools causes several problems for school administrators. Because they are included in the category of professional employees, they must be placed on the same salary scale as teachers. The resulting salaries do not reflect the fact that the health professionals may not take on substantial teaching responsibilities. In addition to the financial problems the requirement causes, the shortage of available nurses is aggravated by the additional certification mandate making it extremely difficult for districts to comply with the mandated student-to-nurse ratio.

SOURCE OF MANDATE:

Section 1101 of the Public School Code includes school nurses and dental hygienists in the definition of "professional employe." Sections 1401 and 1402 state that nurses and dental hygienists employed by school districts must be properly certificated by the Secretary of Education.

Section 1402 of the Public School Code requires that every child of school age be provided with school nurse services and specifies that the number of pupils under the care of each school nurse must not exceed 1500. Section 1106 spells out school districts' duty to employ the professional employes necessary to comply with the provisions of the School Code. These sections taken together comprise a mandate for the hiring of a certain number of school nurses.

The hiring of dental hygienists is not a mandate. Section 1403 of the Public School Code requires that all children of school age receive a minimum number of dental examinations by a school dentist or participate in a program of dental hygiene services. School districts may employ dental hygienists for this purpose.

Section 1421 of the Public School Code specifies that the Secretary of Health has the duties of recommending certification standards for school nurses and dental hygienists to the State Board of Education and advising school administrators on the technical content of the school health program. The Secretary of Education has the duties of approving certification of individual nurses and dental hygienists for school district employment and supervising the educational and teaching aspects of the school health program.

Chapter 49 of the regulations of the State Board of Education specifies the requirements for educational specialist certificates, which are issued to persons whose primary responsibility is to render professional services other than classroom teaching.

MECHANISM FOR CHANGE:

Amendments to Sections 1101, 1401 and 1421 of the Public School Code are required to enable school districts to employ licensed health professionals who are not further certificated as school nurses or school dental hygienists.

DISCUSSION:

Nearly 75 percent of the administrators who responded to the State Board Regulations Cost Study in 1979 identified the requirement for additional certification of school nurses as unnecessary. Over 40 percent labelled it a high-cost mandate. Only one other mandate elicited such a high degree of dissatisfaction.

Prior to 1970, school nurses had a variety of instructional responsibilities. With the passage of subsequent legislation, their duties have been greatly restricted. It does not seem necessary for licensed nurses to obtain advanced training in education to practice their trained skills effectively in schools, particularly when their teaching responsibilities are limited to occasional guest sections of teachers' courses. Though some in-service training might be useful, an educational certificate seems unnecessary as a prerequisite for employment.

Salary records for 1979-80 suggest a potential cost savings of over $2600 per school nurse if the educational certification were not required. With over 2000 school nurses employed in Pennsylvania school districts, total savings could theoretically amount to over five million dollars. Of course, this savings would only be realized if all certified nurses were fired at one time and replaced. It is more likely that elimination of the certification mandate will produce savings primarily through the attrition of about 150 nurses (7 percent) each year. The annual savings would be about $275,000. This figure is a bit inflated, however, since the Department of Health reimburses school districts for school nursing services at $7 per student up to a maximum of $10,500. Districts pay only salaries in excess of that amount.

Potential savings of over $3000 per dental hygienist could also be realized, but only about 100 dental hygienists were employed by Pennsylvania school districts in 1979-80.

A number of comprehensive studies indicate that Pennsylvania is experiencing a growing shortage of nurses. While supply and demand problems may reduce the potential savings to be realized as a result of eliminating the certification requirement, it is also true that the requirement reduces the pool of qualified school nurses even further. The requirement should be eliminated for the increased hiring flexibility that would result, regardless of the prospects for financial savings. The studies of nursing shortages demonstrate that they are related to poor working conditions associated with most nursing jobs. Schools provide more optimal working conditions than many health care facilities, and school districts should be able to attract nurses easily if they are relieved of the constraints imposed by the certification requirement.

School districts could also save money if the 1500-to-1 mandated pupil-to-nurse ratio were changed, but this change is not advisable since it would probably result in a diminished level of service, whereas elimination of the certification requirement involves only a change in credentials to correspond more closely to the types of services that are actually being provided.

Employment of dental hygienists is not mandated, but some school districts that have hired them may prefer to provide dental services in some alternative manner now that budgets are being strained. Administrators may be frustrated in their efforts to realize cost savings, however, because dental hygienists are professional employees whose furloughs must be justified with one of the reasons specified in Section 1124 of the Public School Code. They should be made aware of PDE policies favoring approval of furloughs under such circumstances.

RECOMMENDATION:

The Department of Education supports amendments to the Public School Code that would eliminate the requirement that school nurses and dental hygienists be certified as educational specialists.

DUPLICATION OF SICK LEAVE AND WORKMEN'S COMPENSATION

PROBLEM:

Some LEA officials have complained that a teacher injured on the job is entitled to Workmen's Compensation pay and also to sick leave. They view this duplication of benefits as a requirement for paying teachers twice for the same time.

SOURCE OF MANDATE:

The duplication is a result of compensatory pay guaranteed by the Pennsylvania Workmen's Compensation Act and paid sick leave guaranteed by the Public School Code.

MECHANISM FOR CHANGE:

Because attorneys from the Department of Education and the Department of Labor and Industry have not yet had the opportunity to compare their analyses of the relevant statutes, the extent to which this problem occurs in professions other than teaching is not clear. The mechanism for change is clearly statutory, but the identification of the appropriate law or laws to change depends on how widespread the duplication is.

DISCUSSION:

The problem occurs when teachers are injured at their teaching jobs. Some legislators have proposed amendments that would prevent teachers from collecting earned sick leave pay from school districts when they are collecting Workmen's Compensation from a part-time employer as a result of an injury incurred at an evening or weekend job. This same teacher could collect the sick leave pay if the injury occurred at home. The Department of Education does not support such proposals which penalize teachers for taking part-time jobs.

RECOMMENDATION:

The Department of Education supports legislation that would prevent a school district employee from collecting full pay for sick leave and full Workmen's Compensation benefits when he is injured at the school district job.

INTRAMURAL PHYSICAL EDUCATION PROGRAMS

PROBLEM:

LEA officials believe that the decision to conduct a program of intramural physical education activities should be left to their discretion rather than mandated at the state level. They find intramural programs a costly and unnecessary addition to mandated planned programs of physical education.

SOURCE OF MANDATE:

Section 5.25(d) of the State Board of Education regulations requires each school district to develop and conduct, as part of its Long-Range Development Plan, an intramural activities program for all upper elementary grade students (grades 4-6) and all secondary school students. Section 5.25(b) mandates a planned program of physical education in which every student at every grade level participates. The only relevant statutory mandate is Section 1511 of the Public School Code of 1949 which requires the teaching of physical education in all elementary schools.

MECHANISMS FOR CHANGE:

Section 5.25 could be altered to permit local school officials greater flexibility in designing physical education programs to meet the needs of their communities.

DISCUSSION:

Section 5.25, which mandates a planned program of physical education for all students, also lists the following goals of physical education activities:

(1) Assist each student to attain and maintain a desirable level of physical fitness.

(2) Develop desirable competencies for participation in sports lifetime in nature, team sports, and games.

(3) Promote an understanding of the relationship between regular physical activity and health.

(4) Provide sports, games, and other physical activities that promote self-confidence and the ability to work in a group.

Intramural activity programs certainly ought to aim at the same goals, so school district administrators are probably justified in complaining about unnecessary overlap. The requirement for intramurals was established to correct imbalances in districts where a disproportionate expenditure of funds, time, and attention was focused on interscholastic athletics. Yet the requirement imposes imbalances of its own by duplicating the goals

and activities of the planned program of physical education. Eliminating the intramurals requirement would simply return the old form of imbalance. A new conceptualization of the planned program of physical education is called for. By incorporating the intramurals program into the planned program of physical education, substantial financial savings could be realized as duplication is reduced.

RECOMMENDATION:

Sections 5.25(b) and 5.25(d) of the State Board regulations should be altered to require, for all students in grades 3 through 12, a planned program of supervised physical education activity consisting of any combination of formal instruction, intramurals, or interscholastic athletics. The district would not have to offer intramurals to students enrolled in formal physical education classes, nor would it have to offer physical education classes to students who participate in intramural or interscholastic athletics programs.

The administrative problems involved in implementing this recommendation should not be underestimated, but neither should the potential cost savings. The number of staff members needed to teach physical education classes will be reduced and the amount of time that use of athletic facilities must be supervised will also be reduced because facilities formerly used for teaching during the school day are freed for use by teams that would otherwise have to practice or play after school.

MAXIMUM NUMBER OF CREDITS TOWARD MASTER'S DEGREE EQUIVALENCY CERTIFICATE EARNED THROUGH IN-SERVICE COURSES

PROBLEM:

State Board regulations limit the number of in-service course credits beyond the baccalaureate that a teacher can apply toward a Master's Degree Equivalency Certificate. A certain proportion of credits applied toward that certificate must be earned in the content area of the applicant's primary teaching assignment at a college or university that is approved by the state to offer graduate work. Some LEA officials have expressed their desire to have greater control over the types of advanced training for teachers for which they must award salary increments. Other LEA officials see this mandate as encroachment of higher education institutions upon basic education's role in updating its own professionals' skills or as an affront to basic education's ability to offer quality training to its own professionals.

SOURCE OF MANDATE:

Section 1141 of the Public School Code was amended in 1965 to provide that the "State Board of Education shall establish equivalents for both college and master's degrees. In determining the equivalents, in the case of teachers of applied arts and vocational subjects, the State Board of Education shall give due consideration to practical experience in the field taught." The intent of the amendment was to ease the entry of tradesmen into professional teaching by providing an equivalent to college preparation that recognized the tradesman's skills and a mechanism for encouraging the further academic training that would lead to professional credibility.

Section 49.67 of the regulations of the State Board of Education specifies that of the 36 hours of graduate level credit required for the Master's Degree Equivalency Certificate, a minimum of 18 academic credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. The other 18 hours may be earned through in-service courses offered by school districts.

It is important to note Section 49.67's specification that a Master's Degree Equivalency Certificate is issued for salary purposes only. Under Section 1142(g) of the Public School Code, school districts are obligated to pay a holder of a master's degree or its equivalent at least $300 more than a college certificate holder who does not have a master's degree. This section, which was added to the Code in the mid-1960s, has been eliminated in the proposed new Public School Code (House Bill 1300, Printer's No. 2220, September 23, 1981.)

MECHANISM FOR CHANGE:

Section 49.67 of the State Board regulations could be amended to eliminate the requirement that at least 18 credits applied toward the Master's Degree Equivalency Certificate be earned at a college or university. The salary increment associated with the certificate could then be earned solely through district-offered in-service courses.

DISCUSSION:

Design II for Professional Education and Certification in Pennsylvania would replace the current system of professional development and certificate renewal. The new plan would require master's degrees for permanent certification after 1985. Moreover, Design II involves a more comprehensive system for requiring and rewarding the professional development of in-service teachers based on the individual teacher's five-year Individual Professional Development Plan. Because the plan is individualized, it can be responsive to the needs of the tradesman entering professional teaching as well as those of the graduate of an approved teacher training program. The Master's Degree Equivalency Certificate problem exists because a mechanism designed to address one situation, that of the tradesman entering teaching, is being used to address another situation, that of the in-service teacher who needs incentives for keeping skills current. The comprehensive Design II is the best solution because its individualized planning avoids the need to find a single mechanism for addressing a variety of situations.

The more immediate option is an alteration of State Board Regulation 49.67 to eliminate the 18-credit maximum for in-service credits applicable to the Master's Degree Equivalency Certificate. This change would have no mandated practical consequences if the new proposed School Code is adopted without reinserting the provision that guarantees holders of the certificate an additional $300 salary increment. It would NOT automatically put holders of the certificate onto the same salary scales as holders of master's degrees. (The Commonwealth Court held in Lewisburg Area Education Association v. Lewisburg Area Board of School Directors, 1977, that a Master's Degree Equivalency Certificate is insufficient for entry into master's degree salary classes.) The certificate does not qualify its holder for any position for which he or she was not already qualified; it is issued for salary purposes only.

It is reasonable to provide incentives for participating in in-service courses which are, after all, part of a PDE-approved in-service training program. In-service courses do not provide the same kind of training that institutions of higher education offer. They generally provide instruction in teaching methods and other aspects of pedagogy that are directly related to classroom problemsolving, while colleges and universities offer advanced training in the discipline that a teacher teaches. The two types of training are separable, and there should be separate incentives for teachers who pursue either kind. In fact, PDE staff members feel certain that college and university officials in Pennsylvania would support the elimination of the requirement that a minimum number of credits toward the Master's Degree Equivalency Certificate be taken at institutions of higher education. They do not have a strong desire to

attract the students who enroll in order to qualify for this certificate. They prefer those who enroll because they want the academic training that leads to a master's degree. In fact, they would like to see the name of the equivalency certificate changed to reflect this difference. Perhaps the certificate ought to be called the Certificate of Advanced In-Service Training.

RECOMMENDATIONS:

The 18-hour maximum requirement should be eliminated from section 49.67 of the State Board regulations in order to recognize the value of PDE-approved in-service training in pedagogical methods.

The name of the certificate earned through in-service training should be changed from the Master's Degree Equivalency Certificate to the Certificate of Advanced In-Service Training to distinguish it from the master's degree earned at an institution of higher education.

A separate system of financial incentives for teachers who enroll in graduate training in their academic disciplines at institutions of higher education should be maintained. This system would recognize the unique contribution of advanced training in teachers' academic disciplines to good teaching by providing salary scale recognition for master's degrees which is separate from salary increments associated with the Certificate of Advanced In-Service Training.

REQUIRED PLAN FOR COORDINATION OF INDIVIDUAL PUPIL PERSONNEL SERVICES

PROBLEM:

School superintendents find this requirement costly and unnecessary.

SOURCE OF MANDATE:

Section 7.15, 22 Pa. Code states that "each school district operating a pupil personnel services program shall develop a plan which insures that individual services are coordinated in such a manner as to make maximum use of the contributions of each service." These include guidance, health, psychological, and social work services.

MECHANISM FOR CHANGE:

This section can be eliminated from Chapter 7 of the State Board Regulations.

DISCUSSION:

School districts have never been asked to submit these plans to PDE. Two years ago, a State Board regulation was proposed that would have required a pupil personnel services section to be included in districts' long-range plans and submitted for PDE approval, but the proposal was withdrawn. The "State Board Regulations Cost Study" results indicated that superintendents find this planning requirement costly and unnecessary, but the study was conducted during the period of time that the proposed regulation was being considered.

RECOMMENDATION:

The Department of Education supports a regulatory change that would eliminate Section 7.15. These plans have never been submitted to PDE, and there is no reason to support the regulation that requires their preparation.

REQUIRED PLAN FOR MAINTENANCE AND DISSEMINATION OF STUDENT RECORDS

PROBLEM:

Some school superintendents find this requirement costly and unnecessary.

SOURCE OF MANDATE:

Section 12.31, Pa. Code requires every district to adopt a plan for the collection, maintenance, and dissemination of student records and to submit the plan to PDE for approval. The regulation further requires that these plans be updated and approved every three years. Shortly after this requirement was adopted, the Family Educational Rights and Privacy Act of 1974 (The Buckley Amendment) was enacted. This federal legislation codified similar requirements, but did not specifically require three-year updates.

MECHANISM FOR CHANGE:

Section 12.31 of the State Board regulations can be changed to eliminate the three-year update and approval requirement.

DISCUSSION:

These plans were submitted to PDE in 1975 with the first update in 1978. A second three-year update was scheduled for 1981, but the PDE Division of Student Services noted that no significant changes in relevant laws or regulations have been made in the last three years. As a result, that division sent a memo to all superintendents and vocational-technical school directors in February, 1981 to indicate that they need only submit copies of changed portions of previously approved plans or, if no major revisions have been made, a signed statement to that effect.

RECOMMENDATION:

The Department of Education supports a change in Section 12.31 of the State Board regulations so that submission of these plans for PDE approval is required only if state or federal laws affecting the plans are changed. The Department does not support elimination of the requirement since the federal legislation would still exist and since good LEA work has already been done.

CLASSIFICATION OF GIFTED CHILDREN AS EXCEPTIONAL CHILDREN

PROBLEM:

School districts are required to provide individualized education programs (IEPs), hold due process hearings, and undertake other costly procedures when planning and conducting programs for gifted students. Many local school officials feel that these special education procedures are inappropriate or unnecessary for many highly able children whose talents can be developed in the regular school program.

SOURCE OF MANDATE:

Gifted Students Classified as Exceptional - Section 1371(1) of the Public School Code, as amended by P.L. 1245 in 1961, defines "exceptional children" as "children of school age who deviate from the average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services." The Pennsylvania Department of Education has interpreted this general definition to include not only children who deviate below average (handicapped), but also children who deviate above it (gifted).

In 1975, the State Board of Education listed the exceptionalities included within the term "exceptional." The Board included "gifted" in that list (22 Pa. Code, Section 13.1). The General Assembly affirmed that the term "exceptional" includes gifted students in a 1977 amendment to Section 1372(3) of the Public School Code. The amendment refers specifically to gifted and talented students as being within the domain of special education programs. The logic and correctness of this interpretation of the term "exceptional" was also affirmed by the Pennsylvania Commonwealth Court in 1979 in Central York School District vs. PDE.

The term "mentally gifted" is defined in a PDE special education standard adopted in 1977. A mentally gifted child is one who possesses "...outstanding intellectual and creative ability, the development of which requires special activities or services not ordinarily provided in the regular program." The standard goes on to explain that "persons shall be assigned to a program for the gifted when they have an IQ of 130 or higher. A limited number of persons with IQ scores lower than 130 may be admitted to gifted programs when other educational criteria in the profile of the person strongly indicate gifted ability." (22 Pa. Code, Section 341.1)

IEPS and Due Process Procedures - In 1974, a class action suit brought against the Commonwealth of Pennsylvania sought to compel the State Board of Education to issue regulations concerning the rights of exceptional children. As part of the agreement among all parties to Catherine D. vs. Pittenger, the State Board issued regulations in 1975 (revised in 1977; 22 Pa. Code, Chapter 13. Standards in 22 Pa. Code, Chapter 341). The regulations provided procedural safeguards including due process protections for exceptional children. These protections were strengthened in 1976 by P.L. 94-142, the Education for All Handicapped Children law. This federal statute specified procedures for development

of IEPs, due process hearings, and other special education tools. Because Section 1371(1) of the Pennsylvania Public School Code defines exceptional children to include the mentally gifted, denial of gifted children's rights to IEPs and due process hearings would constitute a violation of equal protection under the law.

MECHANISM FOR CHANGE:

A variety of statutory changes could be made in Section 1371(1) of the Public School Code, but the problem of required special education procedures that are inappropriate or unnecessary for many highly intelligent or creative children can be addressed by clarifying some misleading language in a PDE standard (22 Pa. Code, Section 341.1).

DISCUSSION:

IEPs and Due Process Procedures - Some of the procedures required as part of special education for gifted students seem appropriate for their needs, while others seem to be illogical analogues to procedures that are useful for the handicapped. The IEP can be a time-consuming and expensive tool, yet there is every indication that the writing of detailed individual plans is not always useful in meeting the needs of gifted children. The right to a due process hearing seems to be an appropriate way to insure that our most able students' needs are met, however.

Unfortunately, it is not possible to make a statutory change that eliminates the IEP requirement for gifted children while retaining the due process rights that legislation gives to exceptional children. The PDE Legal Office advises that the IEP and the due process hearing are inseparable aspects of the same concept. The legislature cannot simply state that gifted children don't need IEPs, but remain entitled to the other rights guaranteed to them by regulations governing programs for exceptional children. Furthermore, IEPs are no doubt useful for some highly able children and not others. A more flexible solution is needed.

Definition of "Mentally Gifted" - The definition really has two parts: the child considered gifted has "outstanding intellectual and creative ability" AND the de-velopment of that ability "requires special activities or services not ordinarily provided in the regular program." The second part of the definition has apparently not been used consistently by program administrators. There are many highly able, creative students whose needs can be met by the regular education program, especially in districts that make advanced placement and other challenging programs available. However, many programs seem to operate on the premise that all children who qualify as intellectually able must be placed in "the" gifted program of special education, a program which is administered outside of the regular school program.

A due process hearing appealed to the Secretary of Education in Spring of 1981 involved just this point. In Special Education Appeal No. 158, the Secretary found that the school district erred in finding Ian C. to be mentally gifted without first ascertaining whether his outstanding ability could be accommodated in the regular education program, even though his reported IQ was 152. The Secretary remanded the case to the district

for a determination of whether Ian's ability could be developed in the regular program. If it could, the Secretary said that no IEP or special edcuation would be required. Moreover, the Secretary suggested that because of certain specific characteristics of Ian's abilities, a program of in-class enrichment activity would be more appropriate than instruction in a special class for gifted students if the district found that special education was required at all.

A Misleading Sentence - Many children now participating in special education programs for the gifted could be receiving educational programs appropriate for their needs as part of the regular instructional program. Perhaps they have been placed in special education programs because of the second sentence of the PDE standard: "Persons shall be assigned to a program for the gifted when they have an IQ score of 130 or higher" (emphasis added). The Secretary's finding in the case of Ian C. illustrates that this sentence does not require placement of all children with IQs above 130 in programs of special education involving programming outside the regular education program. Yet, the sentence is often interpreted this way.

The PDE standard should be rewritten to clarify the intent of the existing definition. It should emphasize that the IQ score of 130 is not intended to imply anything about appropriate placement or to diminish the importance of the part of the definition that states that development of the outstanding ability must require services not ordinarily available in the regular education program.

More substantive changes in rules governing identification and education of gifted children have been proposed by various groups, but they all seem to cause as many problems as they solve. An amendment to the Public School Code could replace the term "exceptional" with the term "handicapped" and restrict the definition to children whose abilities deviate from the norm by being below the norm. This change would aggravate the already difficult problem of appropriately defining "learning disability," as well as ignore the needs of those gifted children whose exceptional abilities really do require special education for development. Some school administrators have suggested raising the IQ score mentioned in the PDE standard from 130 to 135 or 140 in order to reduce the number of children receiving special education. A five or ten-point IQ score difference is an unsatisfactory discriminator of able children whose needs can be met in the regular classroom and those who require special education. Elimination of the IQ score from the PDE standard would cause tremendous inequities across districts and bring unwelcome chaos to districts faced with defending their own identification prodedures. The simplest solution is, in this case, also the solution with the soundest educational justification: Use the IQ standard to identify highly able children and emphasize that districts are responsible for determining which highly able children require special education beyond that available as part of the regular education program.

Funding of Gifted Programs - Changes in the flow of special education funds could help reduce the financial burden imposed by IEP and due process requirements. Provision of special education services to gifted students is the legal responsibility of the local school district, but most special education funds flow from the state to the Intermediate Unit. The IU divides the special education funds among various programs and populations of exceptional children.

Part of the antagonism school district officials feel toward programs for the gifted seems to be related to the control that Intermediate Units have over the allocation of special education funds. In some areas of the Commonwealth, IUs funnel most special education monies to programs for the handicapped. These programs were initiated prior to programs for the gifted, and they absorb annual increases in special education funding just to maintain current levels of service. Newer programs, including programs for the gifted, are shortchanged. A "money follow the child" funding path would give school districts more flexibility in allocating special education resources.

RECOMMENDATIONS:

The PDE standard should be rewritten to make it more evident that many highly able students' needs can be met with regular educational programming. The sentence referring to an IQ cut-off score should clearly emphasize that special education is required only when a child's outstanding abilities cannot be developed in the regular program and require individualized programming. Many able students' needs could thus be met without IEPs and other procedures required by special education, yet all parents would still have the right to hearings if they feel that their children's needs are not being met. The definition would remain the same: outstanding ability requiring special education beyond that available in the regular program. However, the child with an IQ of 130 or higher shall be evaluated to determine whether his/her outstanding ability requires special education beyond that available in the regular program.

Special education funding should flow directly to school districts according to the "money follows the child" concept to give school district officials more flexibility in allocating special education resources.

LONG-RANGE PLANNING AND SUBMISSION OF PLANS FOR BUILDING CONSTRUCTION

PROBLEM:

LEA officials have complained over the years that state requirements for long-range planning are too complex and extensive and that the plans are only useful to the PDE for monitoring compliance rather than to local officials for district management. Complaints have focused on the voluminous paperwork required, the specificity of the information required, and the PDE's authority to approve the content of the plans. District officials have also complained about a variety of planning requirements other than the Long-Range Plan (LRP) itself, including plans for the maintenance of student records, the coordination of pupil personnel services, and the construction or renovation of school buildings.

SOURCE OF MANDATE:

The statutory authority for requiring the Long-Range Plan is in Section 1006 of the Public School Code, which requires superintendents to furnish to the Secretary of Education whatever reports and information he requests. The law does not require the submission of a long-range plan as such. That requirement is in Section 5.151 of the State Board regulations which specifies the minimal content of the mandated Long-Range Development Plan.

Plans for the maintenance of student records and the coordination of pupil personnel services are addressed in separate analyses as part of this project.

Section 731 of the Public School Code requires school districts to obtain PDE approval for any building construction, renovation, or repair costing more than $15,000, and any structural change that may affect the safety of pupils. Section 21.81 of the State Board regulations authorizes the PDE to prepare standards for construction planning. These standards have been distributed as PlanCon, the Public School Facilities Planning and Construction Workbook.

MECHANISMS FOR CHANGE:

Most of the superintendents' concerns can be addressed by the PDE through changes in standards.

DISCUSSION:

Virtually all of the specific complaints have already been addressed by the PDE. As a result of an extensive evaluation of the Long-Range Planning Process conducted by PDE in 1978, managers of the Long-Range Plan for School Improvement (LRP/SI) completely revised, condensed, clarified, and simplified the requirements of the LRP. The following table presents a summary of the reduction of the sheer bulk of the requirements, and it is followed by a short list of some of the more significant substantive changes in the requirements:

	LRP Guidelines and Instructions 1974-78	LRP/SI Guidelines and Instructions 1980	Revised LRP/SI Guidelines and Instructions 1981
Total Pages	90 (2 documents)	42	27
Sections	13	5	5
Pages of Forms	60	11	5 (recommended format; not required)
Individual Items	61	25	21
Review criteria pages	23	1	1
Review criteria questions	117	25	21

Scope of Plan

1974-78 District-wide
1980-81 Emphasis on individual buildings

Goals

1974-78 Requires written programs for all goals
1980-81 Action plans only for goals that are district priorities

Guidelines

1974-78 Separate written requirements for 13 areas
1980-81 Use of a general planning model

PDE Review

1974-78 23 pages of review criteria; qualitative evaluation by as many as 12 PDE staff members
1980-81 One page of review; one PDE field representative verifies that sections have been completed

Compliance

1974-78 LRP used to monitor compliance
1980-81 LRP/SI separate from compliance

Community Involvement

1974-78 & 1980 Requires extensive documentation from district
1981 District reports only procedures used to select persons and plan for their involvement

Technical Assistance

1974-78	Availability of 6-8 PDE employees with regional responsibilities
1980-81	Assignment of approximately 75 PDE employees as field representatives to about 200 districts

Content of Plan

1974-78	Content of LRP approved by PDE
1980-81	LRP/SI reviewed by PDE for completeness and legality

The requirements of the LRP/SI have been reduced as much as they can be without a change in the State Board regulation that specifies its minimum content. Feedback from school districts on the usefulness of the plans for district management is reviewed annually for suggestions for further improvement, and these reviews may occasionally lead to recommendations for regulatory changes.

A recent review of PlanCon also resulted in reduced requirements. The previous standards required districts to submit enrollment projections as justification for any construction or renovation project. The PDE accepted any one of five methods for projecting enrollment trends, but the task was still a burdensome, time-consuming one for districts. The PDE has changed its standards so that districts may now choose to justify construction projects on the basis of program needs rather than enrollment growth. They can submit a page or two of prose explaining how the construction will affect the district's educational program. This option will be welcomed by districts with steadily declining enrollments. For those districts that wish to justify construction on the basis of enrollment changes, the PDE will now supply projections for administrators' use instead of requiring them to do their own calculations.

Section 5.51 of the State Board regulations still requires that population projections be included in the Long-Range Development Plan submitted to the PDE by districts, but it is possible that the PDE could generate these projections for the districts if they wish. During the next annual review of the LRP/SI requirements, the Department should consider the feasibility of providing this service for any requesting school district preparing a LRP/SI, taking into consideration such factors as the need to allocate district projections to individual school buildings and the need to project various characteristics of each building's student composition. It may be that PDE statisticians would need information from building principals that exceeds information now collected, requiring new forms to provide data to do the projections. If that is the case, it is probably less burdensome for districts to do projections themselves. The trade-offs will be considered during the annual review process with the intent of minimizing the time investment of local officials in producing projections.

In the meantime, other reporting requirements related to building construction should be reviewed. Though Section 731 of the Public School Code requires districts to submit their plans for maintenance work only if its cost exceeds $15,000 or if structural changes with a potential impact on pupil safety are made, districts generally submit reports to PDE for all repair and maintenance projects. The PDE should actively communicate to districts that this is not necessary unless they desire PDE approval so as to minimize their own liability. In the new proposed Public School Code (House Bill 1300, Printer's No. 2220, September 23, 1981), the cost limit for reporting to PDE is raised to $20,000, but this figure may still be unreasonably low. Districts pay for the maintenance themselves, so there is little need to send documentation to Harrisburg for most projects. The cost limit should be eliminated so that districts would only have to have their plans approved if they include structural changes affecting pupil safety, regardless of the cost of the projects.

RECOMMENDATIONS:

Public statements on this administration's efforts to provide relief from burdensome mandates should reinforce superintendents' awareness of substantial reductions in Long-Range Plan requirements that have already been achieved and recent changes in construction planning requirements.

During the next annual review of Long-Range Planning for School Improvement requirements, the PDE should consider the feasibility of generating enrollment projections as a service to districts that request them so as to further minimize the background work that local officials must do before they can begin planning.

The proposed new Public School Code should be amended to eliminate the cost limit of building maintenance projects above which districts must submit project plans for PDE approval.

REQUIREMENTS FOR ITINERANT SPECIAL EDUCATION PROGRAMS

PROBLEM:

Itinerant special education programs must be designed for children expected to spend 25 percent or less of their instructional time receiving special education. Excess cost reimbursement for itinerant programs is less than for resource room programs. Resource room programs must be designed for children who are expected to spend 50 percent or less of their instructional time receiving special education instruction.

SOURCE OF MANDATE:

Section 51 of Chapter 341 of PDE's standards for special education defines itinerant and resource room programs. The standards mandate itinerant programs for children expected to spend 25 percent or less of their instructional time receiving special education and resource room programs for children expected to spend 50 percent or less of their instructional time receiving special education. Section 71 of the Chapter 341 standards specifies that the equivalent full-time average daily membership for a child enrolled in an itinerant special education program other than a speech and hearing program will be four and that the equivalent full-time average daily membership for a child enrolled in a resource room program will be six. These figures are used to calculate excess cost reimbursements to districts. P.L. 94-142's mandate for programming in the least restrictive environment is also relevant, since it limits PDE's ability to change these standards to permit less handicapped youngsters to participate in resource room rather than itinerant programs.

MECHANISMS FOR CHANGE:

Section 341.51 of the standards should be changed to clear up confusion over the proper placement of children spending 25 percent or less of their instructional time receiving special education. Current standards seem to require itinerant programming, but they conflict with the 50 percent or less definition of resource room programming.

DISCUSSION:

This section could also be changed to permit school districts to place children spending 50 percent or less of their instructional time receiving special education in either an itinerant program or a resource room program as they see fit, but this change would be inconsistent with federal law mandating placement in the least restrictive environment. The reimbursement of districts which choose to place all of these children in resource room programs, regardless of the appropriateness of such a placement, would be excessive.

RECOMMENDATION:

Section 341.51 of the PDE special education standards should be changed slightly to specify that children spending 25 percent or less of their instructional time in special education should be assigned to itinerant programs and not resource rooms. Current standards are confusing with respect to placement of these children.

CERTIFICATION OF ELEMENTARY LIBRARIAN

PROBLEMS:

Elementary school library programs must be administered by at least one full-time, certificated elementary school librarian. This regulation has caused several problems:

- Some LEA officials have incorrectly interpreted the regulation to mean that each elementary school building must have a certificated librarian.
- Even those who interpret the regulation correctly find it unnecessary to have a full-time elementary librarian. This is seen as an unnecessarily costly requirement for small programs.
- Some LEA officials maintain that the nature of a librarian's responsibilities at the elementary school level does not require professional certification.
- The regulatory language does not make clear that a comprehensive library science certificate (K-12) is as acceptable as an elementary education certificate further endorsed for elementary school library science.

SOURCE OF MANDATE:

Section 5.31, 22 Pa. Code requires every district to employ a full-time, certificated elementary school librarian to provide leadership in the development of an effective elementary library program. Section 502 of the Public School Code of 1949 states that the library program, once established, shall be an integral part of the school system and shall be so administered. Section 1101(1) of the School Code includes certificated school librarians in the category of professional personnel.

MECHANISMS FOR CHANGE:

Misunderstanding of the requirements can be eliminated by adding clarifying language to PDE planning and monitoring documents such as Curriculum Requirements and LEA Compliance Self Review Document. Small districts that can operate effective elementary library programs without a full-time certificated elementary librarian can have the requirement waived by the PDE.

DISCUSSION:

The regulatory language and the language used in PDE compliance documents is clearly causing some confusion. The LEA Compliance Self Review Document, for instance, states that "At least one full-time certificated elementary school librarian is required to provide leadership in the development of an effective elementary program." It is easy to see how LEA officials might read this to mean that one certificated librarian must

be in each building when, in fact, the regulation requires one in each district.

The language may also be misleading because it fails to mention the two types of library science certificates available. According to PDE Professional Personnel Certification and Staffing Guidelines, "A comprehensive library science endorsement qualifies the holder to serve as a librarian at any school level or in a single districtwide library. An elementary education certificate further endorsed for elementary school library science qualifies the holder to serve as a librarian only in an elementary school or in an approved middle school library which services only the middle school." This gives the district an option that the language of the regulation and compliance documents does not make explicit.

The problem of the full-time requirement remains, since the regulation clearly requires a full-time elementary librarian, though small districts may serve all elementary school children with a less than full-time library program. If this requirement were changed, LEA administrators would have two more options: an elementary teacher who holds the additional endorsement in library science could supervise the library program on a part-time basis, or the librarian holding a comprehensive (K-12) certificate and working in the secondary school building could supervise the elementary school program while noncertificated librarians staff elementary school libraries. In fact, the PDE Office of Inquiry and Approval has waived the full-time elementary librarian requirement for some small, rural districts submitting plans that adequately demonstrate how elementary school library services are provided when the only certificated librarian holds a comprehensive certificate and works in the secondary school. (Section 5.3, 22 Pa. Code authorizes PDE to grant such waivers.)

RECOMMENDATIONS:

Clarifying language should be added to all documents circulated by PDE which deal with the requirements for staffing of elementary school libraries to specify that (1) at least one certificated librarian is required per district, not per building, to supervise the elementary library program, and (2) the comprehensive (K-12) library science certificate is just as appropriate for this purpose as the elementary library science certificate.

The PDE Office of Inquiry and Approval will continue to approve waivers of the requirement for a full-time certificated elementary librarian for small districts that demonstrate a commitment to elementary library programs.

CERTIFICATION AND PDE APPROVAL FOR PART-TIME COACHES

PROBLEM:

LEA officials feel that requirements for certification of part-time athletic coaches and PDE approval of the hiring of part-time coaches are unnecessary.

SOURCE OF MANDATE:

The State Board of Education has already repealed Section 5.24(f), 22 Pa. Code, which had required certification for part-time athletic coaches. No approval is required by PDE to contract for the services of part-time, noncertificated coaches.

MECHANISM FOR CHANGE:

No change needed.

DISCUSSION:

The Secretary of Education informed school administrators of the change in regulations governing employment of part-time coaches in Basic Education Memorandum 19, March 1980. The State Board of Education's policy on athletic coaches requires coaches to be trained in first aid and the scientific principles of sports conditioning. That policy is still in effect.

Basic Education Memorandum 19 advises that "part-time coaches without certification should only be hired when there is no qualified applicant available from the certified staff of the district or in an adjacent district or intermediate unit. Employed certificated staff within the district must be given first priority in the hiring of athletic coaches." Some district officials complain that this statement results in the hiring of older coaches who may not be as effective as younger ones. The language quoted here was agreed to by various groups affected by the elimination of the certification requirement and probably should not be changed. The PDE interprets it to mean that certificated employees should be given first consideration in interviews for coaching positions. District officials are free to set their own criteria for hiring and to hire a part-time coach not previously employed by the district instead of a district employee judged less suitable for the position by interviewers.

RECOMMENDATION:

Public statements on this administration's efforts to provide relief from burdensome mandates should reinforce superintendents' awareness that this problem has already been eliminated.

REQUIREMENTS FOR PLANNED COURSE OF STUDY

PROBLEM:

Some LEA officials feel that requirements for planned courses of study are too restrictive. They suggest that regulatory requirements be eliminated so that courses of study can be organized in a manner that best meets the needs of local school districts.

SOURCE OF MANDATE:

Section 5.1, 22 Pa. Code defines a "planned course" as a course which consists of a least:

(i) a written statement of objectives to be achieved by students;
(ii) content to be used to reach objectives for which credit is awarded at junior high and senior high level;
(iii) expected levels of achievement; and
(iv) procedures for evaluation.

Section 5.2 directs the State Board of Education, through the PDE, to delegate to school directors "the greatest possible flexibility in curriculum planning which is consistent with quality education for every pupil in this Commonwealth."

MECHANISMS FOR CHANGE:

Confusion about the extent of mandated curriculum planning would be reduced by a clear statement of PDE policy that is consistent with Section 5.2 above.

DISCUSSION:

The four general requirements of the definition in Section 5.1 are the only mandates related to the planned course of study. LEA officials may be interpreting the guidelines prepared by the PDE Bureau of Curriculum Services as mandated requirements when, in fact, they represent only suggested procedures for fulfilling the intent of the regulations. The guidelines provide examples of planned courses that are judged sufficient by PDE, but they may lead readers to believe that the suggested format is required. These guidelines were prepared in response to numerous requests from school districts for recommended procedures for the preparation of planned courses. The use of needs assessment data to derive course objectives is a recommended procedure, not a mandated one, and the same is true of other procedures mentioned in the guidelines.

RECOMMENDATION:

The Pennsylvania Department of Education should make it clear that the intent of the guidelines is solely advisory.

FLEXIBILITY IN ASSIGNMENT OF CERTIFICATED TEACHERS

PROBLEM:

Local school officials find the requirement that prohibits teachers from teaching in areas for which they do not have certification unduly restrictive. They would like the flexibility to assign teachers to program areas outside their areas of certification for at least part of the school day if the subject area is related to the area of certification or if the teacher has college training in the area (e.g., a certificated science teacher who took a minor in mathematics in college assigned to teach one section of mathematics daily).

SOURCE OF MANDATE:

Section 1202 of the Public School Code of 1949 prohibits the assignment of teachers to areas for which they are not properly certificated.

MECHANISMS FOR CHANGE:

The Public School Code could be amended to permit teachers to teach in areas for which they do not hold valid certificates if they meet some minimum background training requirements. Alternatively, the requirements for obtaining a certificate in a second area could be reduced for teachers who already hold one certificate.

DISCUSSION:

Section 1214 of the Public School Code, added to the Code in 1979, provides more flexibility than Section 1202 seems to allow. It authorizes the Pennsylvania Department of Education to grant a waiver of certification requirements for a period not to exceed one year for a certificated teacher when a school district requests such a waiver. The employee must have completed 12 semester credit hours of training in the area for which the waiver is requested. The request must include plans for a program of study to be followed by the employee to secure proper certification in the new area. The waiver may not be used to assign an improperly certificated employee to a position vacated by a furloughed employee. This provision provides some flexibility to school administrators without lowering standards for teacher preparation.

The Pennsylvania Department of Education cannot support a plan which calls for a reduction of requirements for teaching certificates in second areas for teachers already certificated in other areas. The intent of Design II for Professional Education and Certification in Pennsylvania is to strengthen certification standards and encourage the continued professional development of employed teachers. The certification of employed teachers in second areas without additional training would be conterproductive to current efforts to improve the quality of teaching in Pennsylvania's schools.

RECOMMENDATION:

The Public School Code includes a provision for a one-year waiver of certification requirements when an employee has 12 semester credit hours of training in the area for which the waiver is requested and enrolls in a program of study aimed at obtaining certification in that area. Local school officials should be made aware of the flexibility that this provision affords them, and of PDE's willingness to interpret the provision liberally as a matter of policy. The PDE recognizes the need to provide flexibility to administrators at a time when scarce resources make it all the more difficult to meet program demands with properly certificated personnel and sees the certification waiver as a mechanism for providing additional flexibility.

ADAPTED PHYSICAL EDUCATION

PROBLEM:

Some school district administrators feel that there is no need for the planned program of physical education to include an adapted physical education program to meet the needs of students who are unable to participate in the regular program.

SOURCE OF MANDATE:

State Board regulation 5.25, section (c), reads as follows: "An adapted physical education program designed to meet the individual needs of boys and girls shall be included in the planned program at the elementary, middle or junior high and senior high levels. The adapted physical education program shall be available to boys and girls who for physical, psychological or other reasons are unable to participate in the regular physical education program."

MECHANISM FOR CHANGE:

The PDE could issue an administrative memorandum clarifying the extent of the mandate.

DISCUSSION:

The regulation does not clearly specify whether an adapted program must be planned for the entire school year in advance of any child's need for it or whether it may be developed for short periods of time when needed by an individual child. Nor does it specify the type of program required. The ambiguity has led some administrators to believe that full physical therapy programs are required.

RECOMMENDATION:

The PDE will issue an administrative memorandum interpreting Section 5.25(c) to make it clear that compliance requires only that adapted activities be developed as needed for individual children rather than a year-long program planned in advance of a specific need for it and to indicate the kinds of programs required so that administrators need not prepare physical therapy programs.

REDUNDANCY OF DATA COLLECTION

PROBLEM:

School district administrators are asked to provide data to PDE on a large number of forms which require compilation of the same data numerous times.

SOURCE OF MANDATE:

The requirements for collection of data from school districts are found in statutes, regulations, and standards. The real problem stems from a history of decentralized data collection efforts.

MECHANISM FOR CHANGE:

The Department of Education does not see a haphazard elimination of first one form and then another as a reasonable way to eliminate redundancy. Such an effort would risk confusion and the casual abandonment of important data collection projects.

The proper approach requires comprehensive control of all requests for information and development of a catalogue of data collected that is useful enough to prevent duplicate requests. The development of a thorough, practical system is time-consuming, but it has already convincingly demonstrated its value.

DISCUSSION:

Two major efforts to reduce redundant requests for information from school districts are already underway.

(1) Since October 1973, a data control unit has been operating in the Division of Education Statistics. The goals of this unit are to prevent duplicate requests for information and to reduce the number of forms sent to LEAs and institutions of higher education. By order of the Secretary of Education in August 1979, all forms, regardless of source (PDE, other state agencies, or the federal government), are cleared through this unit. PDE personnel submitting data collection forms that are redundant with others are denied permission to request the information from LEAs and directed to the organizational units already collecting the information.

(2) Two years ago the Department of Education initiated a major five-year campaign to establish an integrated data base management system. This project will systematically identify the data collected, analyzed, and reported by PDE and define a data structure to minimize storage of redundant data and virtually eliminate redundant data collection in three critical areas: financial, personnel and student information. When these three areas have been considered, this major Departmental effort will examine other areas of data collection.

These efforts to manage data collection and storage for a variety of different purposes and audiences are complex and time-consuming. Yet, the impact of the programs is already evident. As an example, the LEA administrator might consider the number of forms submitted to PDE for documentation of reimbursable transportation costs. Before 1975, school districts submitted up to eight separate forms, all of them mandated, depending upon whether the district owned school buses, contracted for bus services, operated on a fare basis, or used some combination of bus operation services. These forms had to be submitted in triplicate, and after PDE approval, they were returned to district personnel who were then required to use them to compile year-end reports. The development of a computerized system for analysis of these forms has produced a major reduction in the time required to submit transportation data to PDE. An LEA must now submit only one form (#1794). The other seven reports, still mandated by the Pennsylvania Code, are generated entirely by the computer within PDE. The system became fully operational just six months ago, and is now saving district personnel the time it takes to complete seven forms.

A review of forms for collection of data on school district personnel considered the items on four separate forms: Professional Personnel, VEMIS Adult, VEMIS Secondary, and Teacher Certification. The review revealed that of a total of 39 information items requested on the four forms, 28 items were requested on more than one form in the same or comparable format. Starting in September, 1982, this redundancy will be eliminated. Though all of the forms will still be necessary, the number of items on each will be substantially reduced.

In addition to the two data control systems which have produced these and similar results, the Department of Education has instituted a "sunset cycle" program. Ten percent of each bureau's forms as listed in the Annual Data Plan will be "sunsetted" each year, beginning in Spring 1983. In other words, the forms will be eliminated and reinstated only after a detailed justification has been submitted to a central data control committee. This committee, rather than the bureaus themselves, will select the forms to be eliminated based on committee members' knowledge of data collection going on elsewhere in the Department.

RECOMMENDATION:

Public statements on this administration's efforts to provide relief from burdensome mandates should include information about the Department of Education's ongoing efforts to eliminate redundant data collection by using an organized, comprehensive approach to data management. The operation of the data control unit and the systematic forms review for data base management have already reduced the paperwork burden imposed on school districts, and the sunset review plan promises even more significant reductions.